

COMMITTEE ON WATER AND SANITATION
(Standing Committee of Berkeley County Council)

Chairman: Mr. Timothy J. Callanan, Council Member District No. 2

A meeting of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council, was held on **Monday, June 14, 2010**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 7:10 p.m.

PRESENT: Chairman Timothy J. Callanan, Council District No. 2; Committee Member Phillip Farley, Council District No. 1; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; Ms. Nicole Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Committee Member Jack H. Schurlknight, Council District No. 6 and Supervisor Daniel W. Davis were excused.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Callanan: "I'd like to call the Committee on Water and Sanitation to order. First on the agenda is the approval of minutes from May 11, 2010 and May 19, 2010."

Committee Member Farley: "So move"

Committee Member C. Davis: "Second"

Chairman Callanan: "We have a motion and a second. Are there any corrections to these minutes? (No Response) With no corrections, all those in favor, please say Aye? (Ayes) Opposes Nay? (No Response) Minutes stand approved as presented."

It was moved by Committee Member Farley and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

Chairman Callanan: "I'm going to take a few minutes of liberty with my Chairman's time to bring up two issues that unfortunately I don't see coming up prior to these meetings and I need to have them addressed before Thursday's meeting. The first issue has to do with the overall budget and this affects this Committee because it's an understanding how the Committee process works. When items are denied on a Committee, they are sent to the general Council for reporting out. If the denial is reversed, the report is refused and sent back to Committee. It appears that we are bypassing the Committee process by going into.....by permitting the budget to be on the general Council agenda without going through Second Reading on the Finance Committee agenda. My concern is if this can happen with the Finance Committee agenda, I imagine that it can happen with any other agenda as well. Prior to Thursday's meeting, I would

hope to have an opinion that states that an affirmative vote is not required to get a vote out of Committee, which from what I am seeing right now, is not the case. Folks, so ya'll understand what is going on, we have a....there is a budget, I mean a Committee process and there is a general Council process. In the Committee process, the Supervisor does not vote. We did not permit the budget out of Committee, yet somehow, it is ending up on the general Council agenda, which is negating the usefulness of having Committees to begin with. I honestly think it makes a mockery of the rules as they have been set forth by Council during the last reorganization. That being said, we were going to have a meeting this evening, but for questionable reasons, that meeting was cancelled and is put on a less convenient time later in the week. My guess is so that there are fewer in attendance, but I wanted to make sure the statement for the folks that are here this evening to hear out the...to listen what goes on with the budget, understand where we stand. I think there is a miscommunication. Some people thought, as I did, that the budget would have to go to Committee and we would be able to have a....the Committee members would be able to have more say. That being said, I'm make one statement....."

Committee Member Call: "Mr. Chairman, let me make a point...."

Chairman Callanan: "No, you cannot. This is my time...."

Committee Member Call: "You question the motives of another Council member is a definite violation of our Council rules. You said they were....you cancelled for questionable reasons. That's questionable."

Chairman Callanan: "No, I did not question anybody's motives. Well, I questioned the reason, because I was not given a reason why it was cancelled. I'm permitted to do that. Anyway, Supervisor.....no, you cannot speak. It's my time to speak. Do I need a....do we have to have a Sergeant at Arms to enforce the rules here?"

Committee Member Call: "No, we don't have too. We've got to be fair."

Chairman Callanan: "Ok, then my suggestion is, I will give you time to speak during your Committee. Supervisor Davis' budget puts an excessive tax on the citizens of Berkeley County. I'm sorry...Supervisor Davis' budget put an excessive increase of taxes on the citizens of Berkeley County. This burden rests primarily on the shoulders of the residents of my district, particularly Daniel Island, which will shoulder over 30% of this increase and the reason I state that is because I fear that is the only time I'll be able to actually state that. That being said, the only other issue I wanted to bring up which also has to do, which I am in shock was not brought up on Public Works and Purchasing, is the issue with the Caterpillar dozer. I want to right a wrong that was done at the last meeting. After discussing this issue with the folks at Caterpillar, it's come to my attention that the issue was, we put a contract in to purchase a 2010 dozer, when in fact, we purchased a dozer manufactured in 2008. There was a unwillingness, it seemed, last meeting to even look into the issue. I looked into the issue and in fact, the dozer was, according to Caterpillar, the dozer was in fact manufactured in 2008. I do not believe that Caterpillar will....I believe that Caterpillar will right the wrong. My concern is the way the individual who

found this out, was treated. There was at time...he was accused, not allegedly, he was accused of trespassing. This is public property, not completely fenced in and at the time that he was on there, there was no sign that said that non-authorized people can be beyond this point. There is a sign there now, but not at the time when he was there. He has done the citizens of Berkeley County a tremendous service by pointing this error out to us and he need not admonished and accused of trespassing for looking out for the citizens of Berkeley County. I encourage the County to further look into this and find some sort of solution to this problem where we will be provided with some sort of.....some way to right this wrong. After what happened last meeting, I certainly could let a good man's name be tarnished. That being said, I go on with my agenda."

A. Consideration prior to First Reading of the following:

1. An ordinance amending General Bond Ordinance No. 96-7-33 which authorized and provided for the issuance of Solid Waste System Revenue Bonds of Berkeley County, South Carolina; expanding the definition of system therein; and other matters relating thereto.

Chairman Callanan: "Colin?"

Ms. Johnette Connelley, Finance Director, Berkeley County Water & Sanitation: "Good evening Council. You may remember that during the budget process, we brought to you the idea of combining our bond funds so that we may maximize the use of current bond proceeds for water, sewer and solid waste projects. This is the first step in that process that we had McNair Law Firm come and explain to you that evening. This is title only tonight."

Committee Member S. Davis: "I move for approval."

Committee Member Call: "Second"

Chairman Callanan: "I have several questions on this. When we combine the funds, the reports that we continue to get from ya'll will not change?"

Ms. Connelley: "None of the accounting side will change. This is strictly with just bond proceeds."

Chairman Callanan: "Ok, thank you."

Committee Member S. Davis: "Do we have any cap on the attorney fees for these amendments?"

Ms. Connelley: "No sir. I did ask about attorney fees, but it is kinda tough to estimate what the cost will be for....."

Committee Member S. Davis: "I just want to be sure that we get some kind of estimation, please?"

Ms. Connelley: "I'll do my best. I did ask about them, but I will do my best."

Committee Member S. Davis: "Tell them that County Council wants to know some reasonable expectation of what the attorney fees are going to be ok?"

Ms. Connelley: "Will do it."

Committee Member S. Davis: "We don't want the attorney fees to out maneuver the cost for the bond being consolidated. Sometime it happens."

Committee Member Fish: "Mr. Chairman?"

Chairman Callanan: "Mr. Fish"

Committee Member Fish: "My question is, number one, what you are saying is that there is...the items that we had identified in the original 2005 bond, we're not doing some of those now is why that money needs to be moved somewhere else? Is that what you're saying?"

Ms. Connelley: "Yes sir. You may remember last year during the budget process, we altered some of the....we did away with some of the projects and I think we added four. We replaced four. So, you are able to do that. What we are going to do....what we are planning to do with this particular time was...I'm trying to think the name of the project, Micah...the two Ancrum projects. You may remember we talked about during the budget process. We have another alternative to fixing that situation. I believe it was Pump Station 16. With those funds we plan to fund the Solid Waste projects instead. It is right at \$12 million."

Committee Member Fish: "My only concern is given the past history of moving money around and doing projects before approval or not being approved, whatever. I'm just a little nervous about putting all the money in the pot and ya'll go do what you want to do with it."

Ms. Connelley: "No, I understand, but this will actually help us maximize funds we already have without having to borrow anymore, so this is a good thing."

Committee Member Fish: "Ok, thank you."

Chairman Callanan: "Is there any further discussion? (No Response) No further discussion, all those in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) The motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Call to **approve** prior to First Reading, an **ordinance** amending **General Bond Ordinance No. 96-7-33** which authorized and provided for the issuance of Solid Waste System Revenue Bonds of Berkeley County, South Carolina; expanding the definition of system therein; and other matters relating thereto. The motion passed by unanimous voice vote of the Committee.

2. An **ordinance** amending **General Bond Ordinance No. 91-4-10** which authorized and provided for the issuance of Water and Sewer System Revenue Bonds of Berkeley County and **General Bond Ordinance No. 03-03-12** which authorized and provided for the issuance of Water and Sewer System Revenue Bonds of Berkeley County, South Carolina; expanding the definition of system therein; and other matters relating thereto.

Ms. Connelley: "This is the same thing. This is just the other title for the other one."

Committee Member Fish: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Callanan: "I have a motion and a second. Is there any discussion? (No Response) Without further discussion, all those in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) Motion carries."

It was moved by Committee Member Fish and seconded by Committee Member S. Davis to **approve** prior to First Reading, an **ordinance** amending **General Bond Ordinance No. 91-4-10** which authorized and provided for the issuance of Water and Sewer System Revenue Bonds of Berkeley County and **General Bond Ordinance No. 03-03-12** which authorized and provided for the issuance of Water and Sewer System Revenue Bonds of Berkeley County, South Carolina; expanding the definition of system therein; and other matters relating thereto. The motion passed by unanimous voice vote of the Committee.

B. Review prior to Third Reading of Bill No. 10-12, an ordinance providing for the adoption of fiscal year 2010-2011 (**beginning July 1, 2010 and ending June 30, 2011**) budgets for the Berkeley County Water and Sanitation and Berkeley County Water and Sanitation Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into Berkeley County Water and Sanitation and the Berkeley County Water and Sanitation Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by Berkeley County Water and Sanitation.

Committee Member Fish: "Move for approval"

Committee Member S. Davis: "Second"

Chairman Callanan: "I have a motion and a second. Is there any discussion? (No Response) Without further discussion all those in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) Motion carries."

It was moved by Committee Member Fish and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 10-12**. The motion passed by unanimous voice vote of the Committee.

Committee Member Farley: "Mr. Chairman, this is no increase in fees, correct?"

Ms. Connelley: "That is correct"

Chairman Callanan: "Or rates?"

Ms. Connelley: "Or rates"

It was moved by Committee Member Fish and seconded by Committee Member C. Davis to **adjourn** the Committee on Water & Sanitation meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 7:23 pm.

July 12, 2010

Date Approved

COMMITTEE ON WATER AND SANITATION
(Standing Committee of Berkeley County Council)

Chairman: Mr. Timothy J. Callanan, District No. 2

Members: Mr. Phillip Farley, District No. 1
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy Davis, District No. 4
Mr. Dennis L. Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council will be held on **Monday June 14, 2010, at 6:00 p.m.**, following other scheduled meetings in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

APPROVAL OF MINUTES

May 11, 2010

May 19, 2010

A. Consideration prior to First Reading of the following:

1. An **ordinance** amending **General Bond Ordinance No. 96-7-33** which authorized and provided for the issuance of Solid Waste System Revenue Bonds of Berkeley County, South Carolina; expanding the definition of system therein; and other matters relating thereto.

2. An **ordinance** amending **General Bond Ordinance No. 91-4-10** which authorized and provided for the issuance of Water and Sewer System Revenue Bonds of Berkeley County and **General Bond Ordinance No. 03-03-12** which authorized and provided for the issuance of Water and Sewer System Revenue Bonds of Berkeley County, South Carolina; expanding the definition of system therein; and other matters relating thereto.

B. Review prior to Third Reading of Bill No. 10-12, an ordinance providing for the adoption of fiscal year 2010-2011 (**beginning July 1, 2010 and ending June 30, 2011**) budgets for the Berkeley County Water and Sanitation and Berkeley County Water and Sanitation Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for water and sewer; and to provide for the expenditures of revenues coming into Berkeley County Water and Sanitation and the Berkeley County Water and Sanitation Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates,

charges and penalties for Water and Sewer and Solid Waste Service by Berkeley County Water and Sanitation.

June 9, 2010

S/Barbara B. Austin, CCC

Clerk of County Council